

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re:

Case No.: 8:18-bk-06760-CPM  
Chapter 7

Lois Mae Wright

\_\_\_\_\_  
Debtor

CORRECTIVE TRUSTEE'S OBJECTION TO AMENDED CLAIM OF EXEMPTIONS

**NOTICE OF OPPORTUNITY TO  
OBJECT AND REQUEST A HEARING**

**Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail. If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at 801 N. Florida Ave., Suite 555, Tampa, FL 33602-3899 and serve a copy on the movant, Richard M. Dauval, 3900 1<sup>st</sup> Street North, Suite 100, Saint Petersburg, FL 33703, and any other appropriate persons within the time allowed.**

**If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.**

**If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.**

Carolyn R. Chaney, Trustee in the above-captioned Chapter 7 case, files this Objection to Debtor's Amended Claim of Exemptions and states as follows:

1. The Debtor filed her voluntary petition, schedules and related documents originally scheduling real property located at "1225 Melrose Avenue, St. Petersburg (*sic*), FL 33705" (hereinafter the "Homestead") with a value of \$75,000.00, and claiming its purported equity as exempt under Fla. Const. Art. X § 4(a)(1); Fla. Stat. Ann. §§ 222.01 & 222.02. The Debtor later filed an Amended Statement of Financial Affairs disclosing

the transfer of a vacant lot, which lies adjacent to the Homestead, to an insider, within 30 days prior to filing her bankruptcy case (hereinafter, the “Transferred Vacant Lot”).

Lastly, on October 25, 2018, the Debtor then filed Amended Schedules A/B and C, increasing the value (and claim of exemption) of the Homestead to \$99,000.00 and providing a narrative that the Debtor intends to claim the one hundred percent of the Homestead and the Transferred Vacant Lot as exempt.

2. The Trustee files her objection to the Debtor’s Amended Schedule C and seeks an order disallowing her claim that the Transferred Vacant Lot is wholly exempt under Fla. Const. Art. X § 4(a)(1). The Florida Constitution Art. X (4)(a)(1) limits the ability to claim the Homestead as exempt to those which are “owned by [the] natural person.” The Debtor transferred her interest in the Transferred Vacant Lot via a duly executed Quit Claim Deed (see attached) on August 2, 2018, twelve days prior to filing the instant bankruptcy case. The Debtor did not own the Transferred Vacant Lot as of the petition date and therefore should be disallowed the ability to claim it as exempt.

WHEREFORE the Trustee respectfully requests the entry of an Order disallowing the Debtors’ claim of exemptions as filed, and for any other relief which this court deems just.

Respectfully submitted,

/s/ Richard M. Dauval  
Richard M. Dauval, Esq.  
Leavengood, Dauval, Boyle & Meyer, P.A.  
St. Petersburg, FL 33713  
727.327.3328  
Attorney for Trustee  
Florida Bar No. 0664081

**CERTIFICATE OF SERVICE**

I CERTIFY that on November 7, 2018, a true and correct copy of the foregoing has been provided electronically or by U. S. mail to:

**Debtor(s):** Lois Mae Wright, 1830 30th Ave N., Saint Petersburg, FL 33713

**Debtor(s) Attorney:** Robert M Geller, Law Offices Of Robert M. Geller, 807 W Azeele Street, Tampa, FL 33606

**U.S. Trustee Office,** [ustpreion21.tp.ecf@usdoj.gov](mailto:ustpreion21.tp.ecf@usdoj.gov);

**Chapter 7 Trustee,** Carolyn R. Chaney

/s/ Richard M. Dauval  
Richard M. Dauval, Esq.  
Attorney for the Trustee